

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION AT KNOXVILLE**

Kyle Kirchner,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No.: 3:14-CV-63-PLR-CCS
)	
State of Tennessee, <i>et al.</i>)	
)	
<i>Defendants.</i>)	

**PLAINTIFF’S MOTION FOR ENTRY OF FINAL JUDGMENT
PURSUANT TO RULE 54(b) OR IN THE ALTERNATIVE
FOR LEAVE TO AMEND PLAINTIFF’S COMPLAINT**

On June 4, 2015, this Court granted the Joint Motion to Dismiss filed by Defendants State of Tennessee, Tennessee Department of Correction (TDOC), TDOC Commissioner Derrick D. Schofield, and Warden Tony Howerton (hereinafter “State Defendants”). Mem. Op. and Order Doc. #54 at 7. Plaintiff respectfully requests that this Court now enter final judgment on this Court’s dismissal of all claims against the State Defendants and this Court’s dismissal of the State Defendants pursuant to Federal Rule of Civil Procedure 54(b) so that Plaintiff may seek appellate review of this Court’s ruling without undue delay.

In the alternative, Plaintiff requests that this Court grant Plaintiff leave to amend Plaintiff’s Complaint within thirty (30) days of this Court’s ruling on this Motion.

A Memorandum in support of this Motion is filed contemporaneously herewith.

Dated: July 10, 2015

Respectfully Submitted,

/s Martha M. Lafferty
Elizabeth Setty Reeve (BPR #026899)
Martha M. Lafferty (BPR #019817)
Disability Rights Tennessee
2 International Plaza, Suite 825
Nashville, TN 37216
(615) 298-1080

Certificate of Service

I hereby certify that on the 10th day of July 2015 a true and exact copy of the foregoing Motion was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system. The parties to be served are as follows:

Pamela S. Lorch
Eric Andrew Fuller
Tennessee Attorney General's Office
P.O. Box 20207
Nashville, TN 37202
Counsel for Defendants State of Tennessee,
Tennessee Department of Corrections, Commissioner
Schofield, and Warden Howerton

Arthur F. Knight, III
Taylor & Knight
800 South Gay Street, Suite 600
Knoxville, TN 37929
Counsel for Defendant Edgemon

Mark N. Foster
PO Box 192
Rockwood, TN 37854
Counsel for Defendant Silviera

/s Martha M. Lafferty
Martha M. Lafferty